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Assistant to the DCI (Public
Affairs)
1F 04 Hqs

Herb:

Lyman Kirkpatrick forwarded the
attached to me. I thought you might
have some interest in it.

/s/ Jack

John F. Blake

Att

AT Acting Deputy Director of Central
Intelligence, 7D 6011 Hqs,

26 Sep 77

(EXECUTIVE REGISTRY FILE K-5)

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Att: Keynote address by Lyman B. Kirkpatrick, Jr., at Third Annual Convention
of AFIO--15 Sep 77

KEYNOTE ADDRESS BY LYMAN B. KIRKPATRICK, JR., CHAIRMAN
OF THE BOARD OF DIRECTORS TO THE THIRD ANNUAL CONVENTION
OF THE ASSOCIATION OF FORMER INTELLIGENCE OFFICERS,
ARLINGTON, VIRGINIA, SEPTEMBER 15, 1977

The Association of Former Intelligence Officers, is now entering its third year. The need for the existence of this organization is as great today, indeed perhaps even greater, then it was when David Phillips became the founding father in 1975.

Three years ago the intelligence agencies with which we served were lead items each day in the public media. Today the headlines are on a much less frequent basis. While the absence of a daily barrage of unwanted publicity may make life more bearable for those dedicated public servants who serve the intelligence agencies, it does not lessen the necessity for members of AFIO to persist in its educational campaign stressing the necessity for timely and accurate intelligence in a world in which the survival of man may well rest on the ability of the United States government to be adequately informed.

It is therefore my intention in presenting the keynote for this convention to analyze the mission of this organization: to say what I believe we should do, and to suggest to you what we should not be. In some respects the latter is an easier task, and therefore I shall start with that and conclude on a positive approach. We should not:

- be an organization which supports anything but a national viewpoint. Our former allegiances to one agency or one viewpoint must be subordinated to what

of military intelligence vs. the State Department,
or the CIA vs. the FBI, or civilians vs. military.
We are a national organization.

We should not:

- try to inject our views in the day-to-day management of the intelligence community. In our day we did not appreciate that type of intrusion.

We have an ample challenge on broad policy matters to fully occupy us.

We should not:

- dissipate our energies in useless debate with irresponsible critics. The searchlight of truth ultimately will expose the inaccuracies. Our principal asset is candor and we should be most precise in our public statements.

We should not:

- try to relive history by explaining what was done in the 1940s, 50s and 60s. We should recognize that we live in a new era with new concepts of propriety and evolving interpretations of the law. Indeed a report this year by the Department of Justice in regard to the mail opening program says:

"It would be mistaken to suppose that it was always clearly perceived that the particular mail opening programs of the CIA were obviously illegal.

The Department believes that this opinion is a serious misperception of our Nation's recent history,

The Justice Department report goes on to say:

".... a substantial portion of the period in which the conduct in question occurred was marked by a high degree of public concern over the danger of foreign threats. The view both inside, and to some extent, outside the government was that, in response to exigencies of national security, the President's constitutional power to authorize collection of intelligence was of extremely broad scope." (p. 3-4)

The Justice report notes that until 1972 courts held that prior judicial scrutiny was unnecessary when surveillance involved national security. (p. 27)

In this report from which I have quoted the Justice Department concluded that there was sufficient evidence of proper authorization of the programs and recommended that no federal action should be taken against the intelligence officers concerned.

It stated:

"The agency's highest officials could have every reason to suppose that, within the government itself, the program was thought fully consistent with the government's purposes, responsibilities, and powers." (p. 47)

"If the potential defendants in fact had a reasonable belief that they were acting pursuant to lawful presidential authorization, a prosecution so many years later could appear a vindictive kind of second-

One of the consultants used by the Department of Justice in the preparation of their report commented to the effect that a trial of this case would open a searching inquiry into the perceptions of a generation of Americans, would tend to indict an era, and would raise fundamental jurisdictional questions concerning the application and use of criminal law. (p. 46)

We should recognize that it is not infrequent in history for a political generation to indict its predecessors of two or three decades especially when within that period the nation has experienced a constitutional crisis, an unsuccessful war, severe internal racial issues, not to mention economic problems. We should be proud that the ship of state is secure and in judging current events exercise that balanced good judgment for which the intelligence profession is noted.

One of the basic concepts of intelligence work is being challenged by present practices and this is a matter of serious concern. I refer to the agreement of confidentiality that is so basic to most intelligence work: whether it be a pledge to an agent that his or her identity and activities will remain forever secret; an agreement with a foreign person or organization; or the production of reports based upon sources which should forever be protected. To breach these contracts is a violation of trust. Americans have prided themselves on being people of their word who make an agreement and abide by it. It appears to me now that we should recall this philosophy

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prepared papers, developed projects and took actions which were classified "Secret" at the time. It should be remembered that in nearly every instance these people were working under the direction of lawfully constituted authority, and also to be recalled is that everybody signed an agreement not to divulge classified information. To make new codes of conduct the standard for past actions certainly raises questions of fairness, and furthermore indicates the possibility of a double standard. The argument has been made that the government cannot require employees to refrain from discussing secret material upon leaving the service because it constitutes prior restraint. It is also argued that the government has no obligation to refrain from releasing for publication material that was prepared by persons under the impression that such material would remain a government secret.

With the very fundamental principle of confidentiality under attack I strongly recommend that AFIO sponsor the preparation of a study on this subject for the benefit of public education. This should analyze the Freedom of Information Act and analyze what correctly should be kept secret. We all know that there are abuses of classification and we have no desire to perpetuate such practices.

The broad application of the Freedom of Information Act to intelligence agencies may well be a serious misapplication of a sound principle. Revelations of past intelligence activities are most difficult to place in the proper context of ten, twenty or thirty years

ago and institutions and individuals operating at that time in accordance with perceived needs and with proper authorization may be placed in an unfavorable position.

I therefore am proposing that there be a reexamination of this policy. We should recognize that there will be those who look upon the Freedom of Information Act as a guarantee against future abuses by the intelligence agencies. But I personally am convinced that until the United States intelligence activities are no longer a matter of constant revelations of formerly highly classified information our services will not be able to obtain the intelligence necessary for the security of this nation. I am sure that I do not have to point out to you that it is very difficult if not impossible to maintain the confidence and cooperation of those persons who constitute the core of our foreign intelligence collection system if these individuals must be constantly concerned that their activities might become public.

The work of the intelligence agencies can be kept within proper boundaries by the continual vigilance of the control and inspection bodies within the agencies, of the review bodies within the Executive Branch, and by the oversight of the now established Senate and House Intelligence Committees. I would remind you that this association always has been firmly committed to aggressive and responsible oversight on the part of Congress. It is the best and only guarantee against a repetition of the conditions which brought about the investigations of 1975.

We must support the efforts of the Congressional Committees in all respects.

For the future we must redouble our efforts of the past two years. I commend you one and all for the work you have done in developing state and regional organizations. The work done in supplying speakers has been of a high order and should be continued and expanded. I feel it is an obligation of every member of this association to be available to speak or discuss the problems of the intelligence community, or to provide somebody who can. Consequently it also is important that AFIO has a national research bureau manned by volunteers and assisted by contributions of prepared materials from friends and members. Our goal is to place in proper perspective exactly what the intelligence agencies do, and therefore the more talks and discussion groups throughout the United States, the better we will be doing our job. This effort should be supported by studies such as I have proposed on the subject of the Confidentiality of Intelligence Activities prepared by AFIO's headquarters and distributed nationally.

There are other subjects of major importance on which studies should be prepared -- some on a crash basis. The administration and the Congress are nearing the completion of a major bill on the Organization and Mission of the intelligence community. There are those who hope that this may be passed before the adjournment of the first session of the present Congress -- that means sometime in October 1977. This is the most important legislation on intelligence in thirty years. It will solidly establish how the U.S. intelli-

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gence community functions for the rest of this century. I consider it absolutely essential that the members of AFIO have the opportunity to study this legislation in advance of passage and make their views known.

There are other studies that I would like to see AFIO undertake. I cite the above two because I see them as a matter of priority, but when I think of the immense reservoir of experience and talent which we have in AFIO there seems no limit to our contribution. For example:

- the issue of domestic intelligence activities, which has both potentialities and limitations, could be looked at by AFIO members free from both the pressures and passions of a government study.
- we left the problems of requirements for intelligence collection in a still difficult state. Could not a forum of our members produce some suggestions of value?
- and as a last suggestion, but one of great importance, how about a study of "the intelligence person"? In a profession where people are the most important asset, cannot the perspective and contemplative reflection of this organization be of considerable value? Thus I set as the keynote to this convention the proposal that we make use of the extensive expertize of our membership to prepare, distribute, and monitor the action on studies of permanent value.

We have built an important organization with a national impact. Our mission now is to follow-through and on a continual basis insure that we achieve lasting results.

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